

Appln. No.: 10/509,053
Amendment Dated March 28, 2007
Reply to Office Action of October 2, 2006

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C&P-136US

Remarks/Arguments:

By this Amendment, Applicant has amended claims 1-3, 5, 7, 9, 10 and 15. Applicant have also added a new dependent claim 21. Accordingly, claims 1-21 are pending.

Objection to Drawings

The drawings are objected to under 37 CFR. 1.83(a) "because they fail to show the components of the break as described in the specification". The Office Action then goes on to state beginning at the top of page 4, the following:

Applicant claims "a tie rod acting between the socket and the ball in order, when tension, to prevent relative rotation thereof". However, it is not clear how the rod is "tensioned". Also, Applicant fails to show the component of the adjustable break and how they correspond to the pillar. Applicant also claims "a ball and socket fixed firmly to a fixing plate of the platform and to the stem of the pillar, respectively, or vice versa". It is unclear of what Applicant is attempting to claim with the limitation

In view of the Examiner's objections, Applicant has amended the claims and specification to more clearly set forth the claimed invention. In view of the amendments to the claims and specification as discussed below, Applicant contends that there is no need to amend the drawings to overcome the Examiner's objections under 37 CFR 1.83(a).

Applicant's counsel, Daniel N. Calder, held a brief telephone conversation with Examiner Marsh concerning the objection to the drawings. The Examiner pointed out that the "break" referred to was block break 35. To overcome this objection, Applicant has added to the specification at page 4, line 18 the identification of the reference "U.S. Patent No. 6,164,843." By this amendment, Applicant has identified a U.S. Patent which discloses an example of a conventional break at Figures 2 and 3 which are described at column 2, lines 47-67. Thus, there is ample disclosure of how the block break 35 operates, in the amended application. In addition, Applicant contends that the understanding of Applicant's claimed invention is not based on an understanding of block break 35, and that this is in essence a fairly conventional break used in a support for optical and photographic apparatuses.

According to the Examiner, the language in claim 1 of "a tie rod acting between the socket and the ball in order, when tensioned, to prevent relative rotation thereof" is unclear because the Examiner does not understand how the rod is tensioned. Applicant respectfully disagrees with the Examiner's position. Applicant contends that the specification as originally filed explains the tensioning operation.

More specifically, the passages of the originally filed specification which explain how the tie rod 23 is operated by means of the knob 29 are as follows:

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1) The sentence at page 4, lines 2 and 3, state that, "At its end remote from the ball 25, the tie rod 23 has a threaded shank 27 which is engaged by screwing in a female thread 28 formed in a knob 29". Thus, the rotation of knob 29 causes an axial displacement of the shank 27 of the tie rod 23, by means of the thread coupling between the thread shank 27 and the female thread 28 in the knob 29, which remains fixed along the axial direction. Locking means of this type are conventionally known and their operation would be apparent to one skilled in the art having read the foregoing.

2.) In addition lines 23 and 24 of page 4 of the originally filed specification state, " The orientable platform is then leveled by slackening the knob 29, and with it the tie rod 23.....". This statement along with the statement noted above further makes it evident that the platform is blocked by tightening the knob 29, thus tensioning the tie rod 23.

In addition, Applicant has added a sentence in line 3 of page 4 which states that, " The rotation of the knob 29 in the two senses cause the tie rod 23 to tighten or slacken, respectively". This sentence is not the addition of new matter but is added to the specification based on the originally filed claim 1's reference to tensioning. Furthermore, this sentence is further assurance that one skilled in the art would readily understand the tensioning operation relative to the tie rod, socket, and ball.

The Examiner also points out at page 4 that Applicant fails to show the components of the adjustable break and how they correspond to the pillar. As Applicant notes above, there is ample explanation of the adjustable break in the originally filed specification and particularly with respect to Applicant's further identifying in the specification U.S. Patent No. 6,164, 843 which shows a conventional break for a support of optical and photographic apparatuses in Figures 2 and 3, along with an explanation at column 2, lines 47-67.

The Examiner has also stated that the recitation in claim 1 of " a ball and socket fixed firmly to a fixing plate of the platform and to the stem of the pillar, respectively, or vice versa" is unclear. Applicant has amended claim 1 to more clearly define the invention relative to the ball, socket, fixing plate, and pillar. In addition, Applicant has amended claim 2 to incorporate the feature identified in original claim 1 with respect to the recitation of "vice versa". Applicant has also amended dependent claims 2, 3, 5, 7, 9, 10, and 15 so that they are now dependent on claim 1 or claim 2. In addition, Applicant has added a new claim 21 which is essentially dependent claim 2 as originally filed. Applicant has found the foregoing necessary in order to clearly claim all embodiments of Applicant's invention.

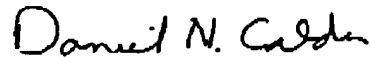
Applicant respectfully submits that by the foregoing amendments to the specification and claims, Applicant have overcome the Examiner's objections.

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Applicant respectfully submits that pending claims 1-21 are in condition for allowance.
Reconsideration of allowance of all pending claims are respectfully requested.

Respectfully submitted,



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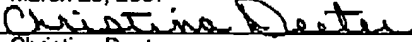
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